

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

JULIUS BRYANT, individually and on behalf  
of a class of all persons and entities similarly  
situated,

Plaintiff,

v.

NEXTGEN LEADS LLC,

Defendant.

CASE NO.: 4:24-cv-00272-O

JUDGE REED O'CONNOR

---

**AGREED MOTION TO CONDUCT DISCOVERY ON  
AGREEMENT TO ARBITRATE AND TO STAY RULE 16 CONFERENCE.**

On May 29, 2024, Defendant filed a Motion to Compel Arbitration, arguing that this Court lacks jurisdiction to hear Plaintiff's claim based on an agreement to arbitrate that Defendant maintains exists between the parties. ("Motion to Compel Arbitration," ECF No. 10.) The Court subsequently entered an Order Requiring Scheduling Conference and Report for Contents of Scheduling Order. ("Scheduling Order," ECF No. 14.)

Consistent with the Scheduling Order, counsel for Plaintiff and Defendant conferred telephonically on May 30, 2024. Plaintiff disputes that he submitted the online submission form containing the agreement to arbitrate. Therefore, a factual dispute exists as to whether an agreement to arbitrate exists.

Recognizing that this threshold issue may determine whether this action may proceed before this Court and in the form of a class action, the parties propose that initial discovery should be limited to the existence of an agreement between the parties to arbitrate. Discovery on this topic will include (i) written discovery exchanged between the parties, (ii) subpoenas to third party

carriers and internet service providers, and (iii) potential depositions. The parties request 120 days, or through September 30, 2024 to complete this limited threshold discovery.

Upon completion of this initial discovery, Defendant would submit an evidentiary brief supporting its Motion to Compel Arbitration no later than September 30, 2024 with an opposition and reply brief filed as permitted by local rules. To the extent that the Motion to Compel Arbitration is denied or withdrawn, the parties would file a Joint Status Report within fourteen days following a ruling on the Motion to Compel Arbitration.

### **PRAYER**

Wherefore, Plaintiff and Defendant request that the Court:

1. Permit limited threshold discovery on the issue of the agreement to arbitrate to be completed September 30, 2024;
2. Order a briefing schedule on the motion to compel arbitration as follows:
  - a. Defendant's evidentiary brief: September 30, 2024;
  - b. Plaintiff's Response October 21, 2024;
  - c. Defendant's Reply November 4, 2024; and
3. Stay the requirement of a Joint Report and all other proceedings and discovery until 14 days after a ruling on the Motion to Compel Arbitration.

Dated: June 5, 2024

Respectfully submitted,

/s/ Anthony I. Paronich (via email auth.)

Anthony I. Paronich  
Paronich Law, P.C.  
350 Lincoln Street, Suite 2400  
Hingham, MA 02043  
(508) 221-1510  
anthony@paronichlaw.com

Counsel for Plaintiff

/s/Frank C. Brame

Frank C. Brame  
State Bar No. 24031874  
The Brame Law Firm PLLC  
4514 Cole Ave., Suite 600  
Dallas, Texas 75205  
Telephone: (214) 665-9464  
frank@bramelawfirm.com

Christopher C. Wager (*pro hac vice*)  
MAC MURRAY & SHUSTER LLP  
6525 West Campus Oval, Suite 210  
New Albany, Ohio 43054  
(614) 939-9955  
cwager@mslawgroup.com

Counsel for Defendant

### **CERTIFICATE OF SERVICE**

I certify that on June 5, 2024, I caused a copy of the foregoing document to be served by the Electronic Case Filing System for the United States District Court for the Northern District of Texas.

/s/ Frank Brame

Counsel for Defendant